

Threat of liquidation of the Memorial Society in Russia

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On 11 November, the Russian Prosecutor General's Office petitioned the Supreme Court to liquidate the Memorial organisation (full name: *International Historical and Educational, Charity and Human Rights Society "Memorial"*) along with its other constituent entities. The Prosecution cites Memorial's repeated, persistent violations of the law on "foreign agents" ("the organisation's concealment of its status as a foreign agent" due to the lack of proper labelling of printed materials and online publications). Most of the objections relate to alleged violations committed in 2019. The Supreme Court is due to hear the application on 25 November.

The International Memorial Society is the oldest independent organisation dedicated to defending human rights and documenting Stalinist crimes in Russia. It is renowned for, among other things, documenting the Katyn massacre in cooperation with Polish researchers. It is an umbrella organisation with dozens of autonomous entities across the Russian Federation, including some 50 regional branches and the Memorial Human Rights Centre. The latter went on the list of "foreign agents" in 2014, and the International Memorial itself in 2016. The status of "agents" was also imposed on some of Memorial's regional branches.

Commentary

- The organisation has so far been repeatedly fined for violating the law on "foreign agents" (the total amount exceeds 6 million roubles – more than €75,000), as well as being harassed in other ways. In October this year, NTV television tried to discredit an exhibition prepared by Memorial on women prisoners of the Gulag, and shortly afterwards around thirty unknown assailants attacked the organisation's Moscow office during a screening of Agnieszka Holland's film 'Mr. Jones' (the film tells the story of mass famine in Ukraine: the Holodomor). On 15 October the Moscow Interior Ministry's department of economic security and anti-corruption demanded that Memorial provide detailed documentation of the organisation's functioning since its foundation in 1989.
- Representatives of Memorial unequivocally point to the lack of a legal basis for the prosecutor's request, citing a December 2016 Supreme Court decision according to which the liquidation of an organisation with the status of a "foreign agent" can only take place in exceptional situations (when a serious crime has been committed). Moreover, some of the prosecutor's objections relate to materials published before the relevant legislation came into force, which is another manifestation of the retroactive application of law by the Russian authorities.

- It should be assumed that the Supreme Court will grant the prosecution's request. Memorial represents an inconvenience to the authorities for two reasons. Firstly, its activities run counter to the Kremlin-designed politics of memory (Memorial restores the memory of the victims of mass terror, publishes the names of the perpetrators, and runs historical education programmes for young people). Secondly, it is involved in the defence of human rights (for example, it publishes lists of people repressed for political reasons by the Putin regime, including political prisoners).
- As in the case of many other organisations punished with the status of "foreign agent", Memorial is likely to seek out new forms of activity. The risk of further persecution of its leadership and members on a larger scale than before should be assessed as high. The Russian law offers unlimited possibilities for repression, both on the grounds of 'historical' regulations and other legal provisions. They include the ban on the so-called rehabilitation of Nazism and the ban on comparing the actions of the USSR and the Third Reich, as well as anti-extremist laws and regulations governing financial crimes.
- The government's attack on Memorial is in line with the Kremlin's stricter line on domestic policy and its aggressive rhetoric against 'agents of the West' and 'enemies of Russia'. It also confirms the extremely arbitrary and instrumental use of the law on 'foreign agents' by a regime with increasingly totalitarian ambitions. Due to the exceptional symbolic status of Memorial in Russian civil society, its liquidation would, however, be a qualitative breakthrough and a clear signal of the determination of those in power to step up the fight against independent organisations. This demonstrates the Kremlin's deepening anxiety about the development of the domestic situation in the coming years, against the backdrop of falling public support for the regime. At least until the presidential election (scheduled for 2024) further repression against civil society in Russia can be expected, as well as further waves of political emigration. For many civic activists the only way to survive will be to continue their activities abroad.